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EXAMINER

BASOM, BLAINE T

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,328

Applicant(s)

ASTALA ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-23, 26-33, 35, 36, 38, 40, 41, 43, 45, 46, 49-55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-23, 26-33, 35, 36, 38, 40, 41, 43, 45, 46, 49-55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 8/5/2005. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

### ***Response to Arguments***

The Examiner acknowledges the Applicants' amendments to claims 1, 6, 9-12, 16, 20, 28, 32, 36, 38, 43, and 46, the Applicants' cancellation of claims 34, 37, 39, 42, 44, 47-48, and 56, and the Applicants' addition of claim 57. Regarding the pending claims, the Applicants argue that Bates (U.S. Patent No. 6,342,908 to Bates et al.), presented in the previous Office Action, fails to teach a non-selected first active window, which is a shrunk image of a selected first active window, and whereby features of the shrunk image are updated in a real time manner, as is now recited in each of the independent claims. In response, the Examiner presents the U.S. Patent of Ludolph (U.S. Patent No. 6,133,898 to Ludolph et al.), which as shown below, teaches such features. The Applicant's arguments have thus been considered, but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 16, 26, 27, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of these claims, there is no antecedent basis for "said first active window" or "said first window," as the claim upon which each of these claims depends recites both a "selected first active window" and a "non-selected first active window."

Claims 41 and 46 are also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41 depends on claim 39, which has been cancelled. Similarly, claim 46 depends on claim 44, which has been cancelled.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7, 10-13, 16-17, 20-21, 26-29, 32, 35-36, 38, 40-41, 43, 45-46, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,342,908, which is

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attributed to Bates et al. (and hereafter referred to as "Bates"), and also over U.S. Patent No. 6,133,898, which is attributed to Ludolph et al. (hereafter referred to as "Ludolph"). In general, Bates describes a method for displaying one or more windows on a computer display; each window is associated with a particular application, and is understood to display features of that application (for example, see column 1, line 29 – column 2, line 44). Bates particularly teaches designating a user-selected window or a newly created window as a focus window, whereby all other windows except this focus window progressively move away from the center of the computer display and decrease in size (for example, see column 2, lines 30-44).

Thus concerning claims 1, 12, 20, 28, 38, 43, and 57, Bates is considered to teach: accessing a first application using a computer terminal; displaying the first application on a display of the terminal; and displaying features of the first application within a selected, i.e. focused, first active window. Bates further discloses that the user may access a second application, by selecting a window associated therewith or presumably starting the second application to create a window, wherein response, this window associated with the second application becomes the focus window and the first application window becomes non-focused, meaning that it progressively moves away from the center of the screen and decreases in size (for example, see column 6, line 48 – column 7, line 45). Accordingly Bates is further considered to teach: accessing a second application using the terminal, displaying the second application on the display and displaying features of the second application within a selected, i.e. focused, second active window of the terminal, wherein accessing the second application results in the features of the first application being transformed to be displayed within a non-selected first active window, or in other words, a window that is not in focus, and wherein the non-selected

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first active window becomes a shrunken image of the selected first active window. Bates discloses that each of the displayed windows, whether shrunken or not, are refreshed in a periodical manner, after preset time increments (for example, see column 10, lines 6-19). Bates, however, does not explicitly disclose that these time increments are set so that the windows are updated in a real time manner, as is expressed in claims 1, 12, and 38.

Nevertheless, updating features of displayed windows in a real time manner is well known in the art. Ludolph, like Bates, discusses computer user interfaces in which a plurality of windows may be simultaneously displayed, cluttering the computer display screen (for example, see column 3, lines 1-12 of Ludolph). Ludolph discloses that such windows may be presented as shrunken versions, the contents of which are updated in real time (see column 15, line 66 – column 16, line 23).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Bates and Ludolph before him at the time the invention was made, to modify the shrunken windows taught by Bates, such that they are updated in a real time manner, as done by Ludolph. It would have been advantageous to one of ordinary skill to utilize this combination, because such windows provide the user with up-to-date information regarding underlying applications, without the user having to access the application, as is demonstrated by Ludolph. Bates and Ludolph thus teach a method like recited in claims 1, 12, and 38. Moreover, Bates teaches that this method may be implemented on computer having a display device, a controller, a user interface, and a browser that accesses a server (for example, see column 2, line 65 – column 5, line 65). Such a computer implementing the above-described method of Bates and

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Ludolph is considered a terminal, like recited in each of claims 20, 28, and 43, and is understood to comprise a storage medium like recited in claim 57.

As per claims 2, 7, 13, 21, and 29, it is understood that each of the above-described windows displays features of the application associated therewith, even when not in focus (for example; see column 1, line 29 – column 27). These features are considered a visual representation of the associated application. The above-described combination of Bates and Ludolph thus teaches a method like recited in claims 2, 7, 13, 21, and 29.

With respect to claims 10, 16, 17, 26, 32, and 33, Bates discloses that the user may access an application by selecting a window associated therewith, wherein response, this window becomes the focus window and is consequently displayed at its original size and position (for example, see column 6, lines 48-57; column 12, lines 40-49; and column 11, line 42 – column 12, line 20). Bates thus teaches that the user may select the above-described first active window, thus re-accessing the first application associated therewith and displaying the first application on the display, particularly within a focused window. Similarly, Bates teaches that the user may select the above-described second application window after displaying the first application, thus accessing the second application and displaying the second application.

Regarding claims 11 and 27, Bates discloses that a window which is not in focus automatically moves away from the center of the screen, as is described above. It is additionally understood that the user may move any window as desired (for example, see column 2, lines 12-24). Accordingly, Bates teaches relocating a position of the above-described first active window, like recited in claims 11 and 27.

Regarding claims 35-36, 40-41, and 45-46, Bates teaches that a non-selected window, i.e. a window that is not in focus, progressively decreases in size while a focused window remains the same size, as is described above. A non-selected first active window thus becomes a shrunk image of a selected first active window. As it is understood that there is naturally some loss in terms of information displayed by the window as it decreases in size, a non-selected first active window is understood to become a partial image of a selected first active window. Bates discloses that each of the displayed windows, whether shrunk or not, are refreshed after preset time increments (for example, see column 10, lines 6-19). As the amount of this time increment is arbitrary, it is understood that the time increment may be set so that features of the windows are updated in a real time manner, or any other periodical manner.

Claims 3-5, 8-9, 14-15, 18-19, 22-23, 30-31, 33, and 49-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mac OS 8.5, as described in the *Mac OS 8.5 Bible* authored by Lon Poole, and also over the combination of Bates and Ludolph described above. Mac OS 8.5 is an operating system, which when executed on a personal computer, provides numerous services, such as for displaying GUI features and for opening applications (see the "Introduction" section).

Specifically regarding claims 3-5, 8-9, 14-15, 18-19, a user of a personal computer running Mac OS 8.5 may use the computer to launch and access a first application (for example, see pages 149 and 150). It is understood that in response to launching an application, the application is displayed on the display, and that particularly, features of the application may be displayed within a first active window on the display. For example, in response to launching a browser application, a browser window displaying features of the browser is displayed within a



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browser window (see pages 469 and 470). Figure 17-27 (see page 470) shows such a browser window. As shown in figure 17-27, this browser window displays a visual representation of the browser application, and specifically comprises a URL link of the browser application (see pages 469-470). Additionally, the displayed features within the browser window comprise a partial view of the browser application, as evidenced by the scroll bars within the window of figure 17-27. The user may alternatively launch a system services application, specifically an email application, whereby in response, features of the email application are displayed within a window (see pages 459-461). A user of a computer running Mac OS 8.5 may have more than one application open at a time, the applications being simultaneously displayed via separate windows (for example, see pages 163 and 164). It is thereby understood that in addition to a first application, the user may access a second application using the computer, whereby features of the second application are displayed within a second window while features of the first application are displayed within a first window. It is understood that this second application may be a browser for Internet browsing (see pages 469 and 470), or a system services application, such as an e-mail application (see pages 459-461). Thus regarding the claimed invention, Mac OS 8.5 teaches: accessing a first application using a computer terminal; displaying the first application on the display of the terminal; displaying features of the first application within a first active window of the terminal; accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a second active window of the terminal. Mac OS 8.5, however, does not explicitly teach that the first and second active windows may be "selected" active windows, whereby accessing the second application results in the features of the first application being transformed to be

displayed within a “non-selected” first active window, which is a shrunk image of the selected first active window, and which has features updated in a real-time manner, as is expressed in claim 1, upon which each of claims 3-5, 8-9, 14-15, 18-19 depend.

Like Mac OS 8.5, Bates describes a method for displaying one or more windows on a computer display; each window is associated with a particular application, and is understood to display features of that application (for example, see column 1, line 29 – column 2, line 44).

Bates and Ludolph particularly teach causing non-selected windows, i.e. non-focused windows, to gradually decrease in size and move towards the border of the display, as is described above.

Such a procedure particularly involves: accessing a first application using a computer terminal; displaying the first application on the display of the terminal; displaying features of the first application within a first selected active window of the terminal; accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a second selected active window of the terminal; wherein accessing the second application results in the features of the first application being transformed to be displayed within a non-selected first active window, which is a shrunk image of the selected first active window, and which has features updated in a real-time manner, as is described above.

It would have been obvious to one of ordinary skill in the art, having the teachings of Mac OS 8.5, Bates, and Ludolph before him at the time the invention was made, to modify Mac OS 8.5 such that non-selected windows gradually decrease in size and move towards the border of the display, as taught by Bates and Ludolph. It would have been advantageous to one of ordinary skill to utilize this combination, because gradually moving and decreasing the size of

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windows reduces clutter on the display, yet allows the user to efficiently find windows of interest, as is taught by Bates (for example, see column 1, line 29 – column 2, line 44).

Accordingly, Mac OS 8.5, as modified by the teachings of Bates and Ludolph, is considered to teach a method like that recited in claims 3-5, 8-9, 14-15, and 18-19.

Regarding claims 22-23, 30-31, and 33, a personal computer running Mac OS 8.5 comprises a browser that accesses a server, whereby a display device coupled to the browser displays a view of the browser application, and specifically displays features of a web page within a first window (for example, see pages 469-470). As is known in the art, such a personal computer comprises a user interface, which allows the user to interact with items displayed on the display device. The user may use such a user interface to select hyperlinks displayed within the browser window, for example (see pages 469-470). Figure 17-27 (see page 470) shows such a browser window. As shown in figure 17-27, this browser window displays a visual representation of a web page, and specifically comprises a URL link of the web page (see pages 469-470). Included within the features displayed in this browser window are various news stories (see figure 17-27 on page 470), which are considered to constitute a “notice board,” like that recited in claim 23. A user may use the browser to access several web pages, which may be simultaneously displayed in separate windows (for example, see the section entitled “Opening multiple browser windows” on page 474). Thus the browser can further access a second application, i.e. web page, the features of which are displayed within a second window while the features of a first web page are displayed within a first window. The user may select the first active window, whereby in response, the window is accessed and displayed on the display of the computer. For example, the user may select the first application, and consequently the window

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displaying the features of the first application, via an "Application Switcher" (see pages 165-167). It is understood that in response, the first application is accessed and displayed. The user may move the position of this application window within the computer display by dragging the title bar of the window (see pages 65 and 66). Mac OS 8.5 may thus involve: a browser that accesses a server; a display device coupled to the browser to display a view of a first application; a user interface coupled to the display device that allows a user to interact with items displayed on the display device to display on the display a first application including features of the first application within a first active window of the display device; and accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a selected second active window of the terminal. As described above, Bates and Ludolph further teach that accessing the second application results in the features of the first application being transformed from a selected first active window to within a non-selected first active window of the terminal, with features updated in real time. Accordingly, a computer implementing Mac OS 8.5, as modified by the teachings of Bates and Ludolph, is considered a terminal like that recited in claims 22-23, 30-31, and 33.

As per claims 49-55, Mac OS 8.5 further teaches that application windows, particularly those associated with browser applications, may comprise a display of a URL address of a selected web page, display content of the web page, a view of the web page, and a title of the web page (for example, see pages 469-470; and particularly figures 17-27 and 17-28 on page 470). Accordingly, the above-described combination of Mac OS 8.5, Bates, and Ludolph is considered to teach a method like recited in claims 49-52, and a terminal like recited in claims 53-55.

*Conclusion*


The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Pasquali and Kolnick U.S. Patents cited therein each teach updating features of displayed graphical user interface windows in a real time manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb

  
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ART UNIT 2173